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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,867

09/22/2003

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EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

07/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/664,867

Applicant(s)

LAURIOL, JEAN-MICHEL

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claim 18, the new claim added as states “...**is configured to connect....**wherein the radiotelephone terminal **is not configured to detect...**” is not supported by original specification. Appropriate correction is required.

2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 19, the new claim added as describes “the method according to claim 16, wherein the mobile data terminal notifies the radiotelephone terminal that the WLAN is detected prior to attempting to connect to the detected WLAN” as being indefinite the subject matter. In specific of claim

language used “wherein the mobile data terminal notifies the radiotelephone terminal that the WLAN is detected prior to attempting to connect to the detected WLAN” are unclear which applicant regards as the invention. Appropriate correction is required.

Response to Arguments

3. Applicant's arguments filed 04/23/2007 have been fully considered but they are not persuasive.

In response to the remarks on page 7, claim 17 is not addressed in the body of the Office Action mailed January 23, 2007. Applicant has added the new claim 17, claim is rejected under 35 U.S.C. 112, first paragraph (See the Office Action mailed January 23, 2007).

In response to the remarks on page 8, Applicant made up the new claim 17 **that used on the background of invention (See WO 01/01711, page 11, line 5-33)**. Therefore, claim 17 is not required to reject, because the background of invention described in the specification (See page 2).

Applicant argues, that Gunnarsson does not disclose or suggest informing of access to the WLAN by sending a signal from the mobile data terminal to the radiotelephone terminal.

In response, in combining with Gunnarsson, Keinonen discloses informing of access to the WLAN by sending a signal from the mobile data terminal to the radiotelephone terminal based on the notifying message is reciprocal on one or both wireless terminals 100, 110 may additionally be linked via a short range communication link 130, such as a Bluetooth link, to a respective nearby external notification device 135, also having a short range transceiver, that can be used, as will be explained below, to receive the notifying message and notify a person regarding the activation (See col. 4, lines 20-40).

Applicant argues, that Gunnarsson does not detect the availability of the WLAN by having the mobile data terminal detect signal broadcast from the WLAN.

In response, Gunnarsson discloses how detect the availability of the WLAN by having the mobile data terminal detect signal broadcast from the WLAN based on the information signal sent to the mobile terminal may simply indicated the availability of a WLAN that is meaning how detect the availability of the WLAN by having the mobile data terminal detect signal broadcast from the WLAN (See col. 3, par. [0022-0023]).

Applicant argues, that yyy does not disclose or even remotely suggest that the notification informs of access to the WLAN.

In response, Applicant should be make a clear point to argues or explain the prior rather than away the subject matter. Keinonen clearly discloses the notification informs of access to the WLAN based on informing of access to the WLAN by sending a signal from the mobile data terminal to the radiotelephone terminal based on the notifying message is reciprocal on one or both wireless terminals 100, 110 may additionally be linked via a short range communication link 130, such as a Bluetooth link, to a respective nearby external notification device 135, also having a short range transceiver, that can be used, as will be explained below, to receive the notifying message and notify a person regarding the activation ... a notifying message (notification) to be transmitted to another user, the mobile network 120 may also be WLAN (See col. 4, lines 20-42).

Applicant argues on the remarks, pages 13-14.

In response, Supreme Court decision on KSR int'l Co., v. Teleflex, Inc., No 04-1350 (U.S. Apr, 30, 2007).

The Supreme Court has issued its opinion in KSR, regarding the issue of obviousness under 35 U.S.C & 103(a) when the claim recites a combination

of elements of the prior art. *Graham v. John Deere*, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966).

Applicant argues on the remarks, page 14 that gunnarsson and keinonen do not disclose or even remotely suggest the active WLAN access point being detected based on the presence signal alone without access into a database that stored location of WLAN access points.

In response, the Examiner has addressed the explain on the above “claim 17 that used on the background of invention (See WO 01/01711, page 11, line 5-33). Therefore, claim 17 is not required to reject, because the background of invention described in the specification (See page 2)”.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-6 and 8-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunnarsson in view of **Keinonen (US Patent No: 6,959,207)**.

As to claim 1, 18-19, Gunnarsson discloses method for informing a person that he or she can access to a WLAN (Fig. 1, par. [0014]), said person carrying or being associated with a mobile data terminal and a radiotelephone terminal, the method comprising: detecting presence of the WLAN (col. 3, par. [0022]), by receiving signals broadcasted by the WLAN (col. 2, par. [0020]), with a radio receiver associated with said mobile data terminal and which is adapted to receive signals broadcasted by the WLAN (col. 3, par. [0022-0023]), and when the radio signals broadcasted by the WLAN are received (col. 2, par. [0018]; col. 3, par. [0023]). However, Gunnarsson does not disclose sending a signal or a message, from said mobile data terminal said radiotelephone terminal equipped with an adapted receiver, informing said person that he or she can access to said WLAN.

In the same field of endeavor, Keinonen discloses sending a signal or a message, from said mobile data terminal to said radiotelephone terminal equipped with an adapted receiver (col. 4, lines 20-40), informing said person that he or she can access to said WLAN (col. 7, lines 55-57, col. 8, lines 5-15, col. 8, lines 65 to col. 9, lines 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide of sending a signal or a message, from said mobile data terminal said radiotelephone terminal equipped with an adapted receiver as taught by Keinonen to the system of Gunnarsson in order to

transmit/receive notifying messages of the mobile device for conveyance information used by blue tooth or PWAN link.

As to claim 2, Gunnarsson further discloses method according to claim 1, wherein said mobile data terminal is switched a mode in which it scans periodically (See abstract), at least one given frequency or within a given frequency range (col. 3, par. [0023]), for the existence of a signal from a WLAN (col. 4, par. [0028]).

As to claim 3, Gunnarsson further discloses wherein the scanning for an available WLAN is based on detection of a or the network identifier broadcasted by the or a WLAN to which the concerned person has subscribed (col. 3, par. [0022], and [0024]).

As to claim 4, Gunnarsson further disclose wherein a successful detection of a WLAN to which the person has subscribed is also notified directly by the mobile data terminal (col. 4, par. [0028]), by means of an audio signal and/or a visual message displayed on its screen (col. 4, par. [0026], **to access the user's email**).

As to claim 5, Gunnarsson further discloses method according to claims 1, wherein the mobile data terminal and the radiotelephone terminal are equipped with wireless personal area network interfaces (col. 1, par. [0006]).

As to claim 6, the claim specifies the portable communication system necessary to

perform the method steps as specified in **claim 1** and is therefore rejected for the same reasons.

As to claim 8, 16, claim is rejected for the same reason as set for in claim 1.

As to claim 9, Gunnarsson further discloses in col. 3, par. [0023] a wireless interface, such as a radio interface (e.g., BLUETOOTH or infrared interface).

As to claim 10, 20, Gunnarsson further discloses wherein the mobile data terminal communicates with a WLAN in IEEE 802.11 (col. 2, par. [0019]).

As to claim 11, Gunnarsson further discloses wherein the mobile data terminal is a laptop and the radiotelephone terminal is a cellular telephone that communicates in another communication network (Fig. 4, col. 4, par. [0024]).

As to claim 12, Gunnarsson further discloses wherein the mobile data terminal and the radio telephone terminal are integrated into a single device and wherein the mobile data terminal communicates using the WLAN via the access point of the WLAN and the radio telephone terminal communication in another network (Fig. 4, col. 4, par. [0024] the mobile terminal 60 is integrated with the wireless computing device 70 to form an integrated mobile unit).

As to claim 13, Gunnarsson further discloses wherein the mobile data terminal detects the presence of the WLAN in real-time (col. 3, par. [0022] SMS is a real time message).

As to claim 14, Gunnarsson further discloses wherein the user is notified about the presence of the WLAN via a short message received by the radiotelephone terminal (col. 4, par. [0028]).

As to claim 15, Gunnarsson further disclose wherein the mobile data terminal and the radiotelephone terminal are equipped with at least one of IrDa and Bluetooth interfaces (col..2, par. [0014]).

As to claim 17, see the background of invention described in the specification (page 2).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

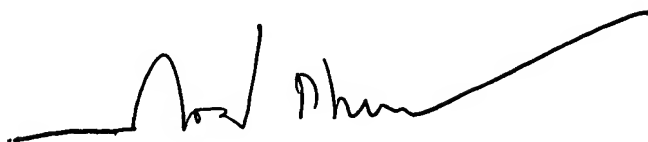
Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/664,867
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Page 12

A handwritten signature in black ink, appearing to read 'Phuoc Doan', with a long horizontal stroke extending to the right.

Phuoc Doan
06/16/09

A handwritten signature in black ink, appearing to read 'Joseph Feild', written in a cursive style.

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER